



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/693,919	10/23/2000	Tomohito Shida	1083.1076/JDH	8369

21171 7590 01/11/2005

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

DURAN, ARTHUR D

ART UNIT	PAPER NUMBER
----------	--------------

3622

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/693,919

Applicant(s)

SHIDA, TOMOHITO

Examiner

Arthur Duran

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


JEFFREY D. CARLSON
PRIMARY EXAMINER

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-17 have been examined.

Response to Amendment

2. The Amendment filed on 12/13/04 is insufficient to overcome the Schiff, DeLorme, and Baker reference.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schiff (6,477,533) in view of DeLorme (5,948,040) in further view of Baker (6,266,648).

Claim 1, 17: Schiff discloses a method for accepting transaction reservation, comprising the steps of:
electronically presenting information on discount services defined for each time period to a plurality of customers (col 20, lines 41-44; col 20, lines 58-65; col 22, lines 1-13 ; col 11, line 60-col 12, line 17; col 12, lines 22-36; col 7, lines 20-34);
electronically accepting information on transaction reservation of discount services at a selected time period by a customer (col 12, lines 17-23; col 12, lines 22-36); and performing a transaction

Art Unit: 3622

according to the reserved discount services, when the visiting time of a customer to a shop, or the finish time of the transaction is included in the time period in association with said accepted information on transaction reservation (col 20, line 49-col 21, line 12; col 13, lines 17-22; col 1, lines 22-26; col 22, lines 1-5; col 12, lines 14-17).

Schiff further discloses that the time period can be defined as a term for the transaction (col 20, lines 41-44; col 20, lines 58-65; col 22, lines 1-13).

Because Schiff discloses custom packages can vary based on sailing date and special discounts (col 1, lines 21-26), Schiff implies that custom packages can be created where special discounts and sailing dates are related variables to the overall package.

Schiff further discloses that incentives, time periods, and reservations are related (col 22, lines 1-13; col 1, lines 22-26), accepting the transaction reservation for the transaction target, performing a transaction in accordance with the transaction reservation (col 12, lines 17-36), and re-presenting data based on the accepted transaction reservation for the transaction target (col 11, lines 10-16; Fig. 2b; Fig. 3a).

Schiff does not explicitly disclose that the discounts are related to the time period that the reservation is made for.

However, DeLorme discloses that presenting bargain data to a transaction target related to the time period that the reservation is made for (Fig. 1c; Fig. 4; Fig. 5d, item 595; Fig. 6; col 41, lines 13-32; col 67, line 60-col 68, line 6; col 50, lines 38-45).

DeLorme further discloses re-presenting bargain data based on the accepted reservation for the transaction target (Fig. 9b; Fig. 7b; Fig. 7a; Fig. 5d, item 595).

Art Unit: 3622

DeLorme further discloses a terms determination unit for determining terms for a transaction of a transaction target for each time period (Fig. 1c; Fig. 4; Fig. 5d, item 595; Fig. 6; col 41, lines 13-32; col 67, line 60-col 68, line 6; col 50, lines 38-45); and a display system for displaying the terms for the transaction, wherein the transaction reservations are made via the plurality of terminal devices based on the display terms for the transactions (Fig. 5d; Fig. 1c; Fig. 9b).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add DeLorme's reservations goods or services with time period based discounts to Schiff's time period, reservation, discount related information. One would have been motivated to do this in order to provide the customer with further, specific information on the relation of time periods, reservations, and discounts.

Baker further discloses benefits and discounts (col 1, lines 10-50); reservations (Fig. 3); timing restrictions and other terms on applicable discounts (col 1, lines 55-62); time frame restrictions and other terms on applicable discounts (col 5, lines 35-45; col 6, lines 40-47; col 6, lines 47-61; col 7, lines 4-11);

Baker further discloses offering specialized target discounts where the terms or target can be varied including varying time periods for when the discount would apply (col 8, line 60-col 9, line 10) and specialized discounts based on the time between the when the reservation is made and when the reservation is made for (col 9, lines 14-26).

Baker further discloses correlating time periods for reservations to discounts (col 9, lines 31-64).

Art Unit: 3622

Baker further discloses that different time periods have different discounts and that the discount information for the different time periods is dynamic (col 10, line 59-col 11, line 7). Also, note that Baker discloses that the time between when the reservation is made and the time that the reservation is made for can be relevant to the discount amount (col 9, lines 14-26). Therefore, both the reservation time and the time period the reservation is made for are relevant to the discount.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Baker's reservations for goods or services with time period based discounts that reflect temporarily changing conditions to Schiff's time period, reservation, discount related information. One would have been motivated to do this in order to provide the customer with further, specific information on the relation of time periods, reservations, and discounts.

Baker also discloses varied time periods (June or July) and that the user can select a time period within the varied time periods (col 10, line 58-col 11, line 7).

Claims 2, 8, 9, 10, 11, 12: Schiff discloses a method, system, apparatus, medium for accepting transaction reservation provided with a plurality of terminal devices, and an apparatus for accepting transaction reservation, connected to the terminal devices respectively, to accept reservation for a transaction of a transaction target, characterized in that said accepting apparatus comprises:

(i) a terms determination means for determining terms for a transaction of a transaction target (col 11, line 60-col 12, line 17; col 12, lines 22-36); and

Art Unit: 3622

(ii) a transaction terms display means for displaying the terms for the transaction determined by the terms determinations means (col 7, lines 20-34; col 12, lines 22-36);

said terminal devices comprises:

(i) an accepting means for accepting reservation application data which represents reservation application for a transaction of a transaction target based on the displayed terms (col 12, lines 17-23; col 12, lines 22-36); and

(ii) a transmission means for transmitting the reservation application data accepted by the accepting means to the accepting apparatus (col 12, lines 17-23; Fig. 1; Fig. 2A); and
said accepting apparatus further comprises a storage means for storing received reservation application data, when the reservation application data is received (Fig. 2A).

Schiff further discloses a storage medium and a controller (Fig. 2A).

Schiff further discloses that incentives, time periods, and reservations are related (col 22, lines 1-13; col 1, lines 22-26), accepting the transaction reservation for the transaction target, performing a transaction in accordance with the transaction reservation (col 12, lines 17-36), and re-presenting data based on the accepted transaction reservation for the transaction target (col 11, lines 10-16; Fig. 2b; Fig. 3a).

Schiff does not explicitly disclose that the discounts are related to the time period that the reservation is made for.

However, DeLorme discloses that presenting bargain data to a transaction target related to the time period that the reservation is made for (Fig. 1c; Fig. 4; Fig. 5d, item 595; Fig. 6; col 41, lines 13-32; col 67, line 60-col 68, line 6; col 50, lines 38-45).

Art Unit: 3622

DeLorme further discloses re-presenting bargain data based on the accepted reservation for the transaction target (Fig. 9b; Fig. 7b; Fig. 7a; Fig. 5d, item 595).

DeLorme further discloses a terms determination unit for determining terms for a transaction of a transaction target for each time period (Fig. 1c; Fig. 4; Fig. 5d, item 595; Fig. 6; col 41, lines 13-32; col 67, line 60-col 68, line 6; col 50, lines 38-45); and a display system for displaying the terms for the transaction, wherein the transaction reservations are made via the plurality of terminal devices based on the display terms for the transactions (Fig. 5d; Fig. 1c; Fig. 9b).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add DeLorme's reservations goods or services with time period based discounts to Schiff's time period, reservation, discount related information. One would have been motivated to do this in order to provide the customer with further, specific information on the relation of time periods, reservations, and discounts.

Baker further discloses benefits and discounts (col 1, lines 10-50); reservations (Fig. 3); timing restrictions and other terms on applicable discounts (col 1, lines 55-62); time frame restrictions and other terms on applicable discounts (col 5, lines 35-45; col 6, lines 40-47; col 6, lines 47-61; col 7, lines 4-11);

Baker further discloses offering specialized target discounts where the terms or target can be varied including varying time periods for when the discount would apply (col 8, line 60-col 9, line 10) and specialized discounts based on the time between the when the reservation is made and when the reservation is made for (col 9, lines 14-26).

Art Unit: 3622

Baker further discloses correlating time periods for reservations to discounts (col 9, lines 31-64).

Baker further discloses that different time periods have different discounts and that the discount information for the different time periods is dynamic (col 10, line 59-col 11, line 7). Also, note that Baker discloses that the time between when the reservation is made and the time that the reservation is made for can be relevant to the discount amount (col 9, lines 14-26). Therefore, both the reservation time and the time period the reservation is made for are relevant to the discount.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Baker's reservations for goods or services with time period based discounts that reflect temporarily changing conditions to Schiff's time period, reservation, discount related information. One would have been motivated to do this in order to provide the customer with further, specific information on the relation of time periods, reservations, and discounts.

Claim 3: Schiff and DeLorme and Baker disclose a method according to claim 2. Schiff further discloses that the determination of the terms for a transaction comprises: determining terms for a transaction based on the state of the transaction reservation (col 20, lines 35-49; col 22, lines 1-13).

Claim 4, 6: Schiff and DeLorme and Baker disclose a method according to claim 2.

Schiff does not explicitly disclose confirming whether the reservation has been accepted.

However, Schiff discloses a variety of communication between a travel agent and a customer (col 1, lines 33-36). Schiff further discloses verifying that a customer is available (col

Art Unit: 3622

2, lines 35-40). Schiff further discloses booking and paying for a reservation (Fig. 3A, item 342, item 344).

Schiff further discloses receiving reservations, booking, and payment information (col 12, lines 17-23).

Schiff further discloses sending a response to a user computer after receiving messages from the user computer (col 11, lines 13-15).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that Schiff's response to a user computer can be a confirmation of the reservation that the user has made. One would have been motivated to do this because user's are more confident that a reservation is valid when the user receives notification that the reservation was received.

Additionally, DeLorme discloses confirming whether the reservation has been accepted (Fig. 5d, item 595; col 3, lines 15-20).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that DeLorme's confirmation of the reservation that the user has made to Schiff's response to a user computer. One would have been motivated to do this because user's are more confident that a reservation is valid when the user receives notification that the reservation was received.

Claim 5, 7: Schiff and DeLorme and Baker disclose a reception method for deal booking according to claim 4.

Schiff further discloses that it is characterized in that it further comprises the following steps:

Art Unit: 3622

a method according to claim 4, further comprising the steps of:

determining discount services for the reserved transaction which has been confirmed to be

accepted based on its terms (col 20, line 49-col 21, line 12; col 13, lines 17-22); and

offering the discount services based on the confirmed reserved transaction (col 1, lines 22-26; col 22, lines 1-5; col 12, lines 14-17).

Since Schiff discloses that specific packages can be offered to specific customers and that packages can include special discounts and that specific customers can reserve transactions, Schiff discloses offering the discounts for reserved transactions.

Claim 13, 14, 15, 16: Schiff discloses a method, apparatus for accepting a transaction reservation for a transaction target, comprising:

presenting bargain data in relation to the transaction target and reflecting time dependent booking (col 1, lines 22-26); and

accepting the transaction reservation for the transaction target, and performing a transaction in accordance with the transaction reservation (col 12, lines 17-36).

Schiff further discloses that incentives, time periods, and reservations are related (col 22, lines 1-13; col 1, lines 22-26).

Schiff further discloses re-presenting data based on the accepted transaction reservation for the transaction target (col 11, lines 10-16; Fig. 2b; Fig. 3a).

Schiff does not explicitly disclose that the discounts are related to the time period that the reservation is made for.

Art Unit: 3622

However, DeLorme discloses that presenting bargain data to a transaction target related to the time period that the reservation is made for (Fig. 1c; Fig. 4; Fig. 5d, item 595; Fig. 6; col 41, lines 13-32; col 67, line 60-col 68, line 6; col 50, lines 38-45).

DeLorme further discloses re-presenting bargain data based on the accepted reservation for the transaction target (Fig. 9b; Fig. 7b; Fig. 7a; Fig. 5d, item 595).

DeLorme further discloses a terms determination unit for determining terms for a transaction of a transaction target for each time period (Fig. 1c; Fig. 4; Fig. 5d, item 595; Fig. 6; col 41, lines 13-32; col 67, line 60-col 68, line 6; col 50, lines 38-45); and a display system for displaying the terms for the transaction, wherein the transaction reservations are made via the plurality of terminal devices based on the display terms for the transactions (Fig. 5d; Fig. 1c; Fig. 9b).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add DeLorme's reservations goods or services with time period based discounts to Schiff's time period, reservation, discount related information. One would have been motivated to do this in order to provide the customer with further, specific information on the relation of time periods, reservations, and discounts.

Baker further discloses benefits and discounts (col 1, lines 10-50); reservations (Fig. 3); timing restrictions and other terms on applicable discounts (col 1, lines 55-62); time frame restrictions and other terms on applicable discounts (col 5, lines 35-45; col 6, lines 40-47; col 6, lines 47-61; col 7, lines 4-11);

Baker further discloses offering specialized target discounts where the terms or target can be varied including varying time periods for when the discount would apply (col 8, line 60-col 9,

Art Unit: 3622

line 10) and specialized discounts based on the time between the when the reservation is made and when the reservation is made for (col 9, lines 14-26).

Baker further discloses correlating time periods for reservations to discounts (col 9, lines 31-64).

Baker further discloses that different time periods have different discounts and that the discount information for the different time periods is dynamic (col 10, line 59-col 11, line 7).

Also, note that Baker discloses that the time between when the reservation is made and the time that the reservation is made for can be relevant to the discount amount (col 9, lines 14-26).

Therefore, both the reservation time and the time period the reservation is made for are relevant to the discount.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Baker's reservations for goods or services with time period based discounts that reflect temporarily changing conditions to Schiff's time period, reservation, discount related information. One would have been motivated to do this in order to provide the customer with further, specific information on the relation of time periods, reservations, and discounts.

Response to Arguments

4. Applicant's arguments with respect to claims 1-17 have been considered but are not found persuasive.

Art Unit: 3622

On page 10 of the Applicant's Amendment dated 12/13/04, Applicant states, "The combination of '533, '040, and '648 does not teach or suggest. . .for accepting transaction reservation where 'each time period reflects temporarily changing conditions'".

Applicant's 'temporarily changing conditions', without further specifying features in the claims, is broad and can be interpreted in several ways. Examiner further notes that it is the Applicant's claims as stated in the Applicant's claims that are being rejected with the prior art. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

And, as stated in the Final Rejection of the independent claims, Baker discloses offering specialized target discounts where the terms or target can be varied including varying time periods for when the discount would apply (col 8, line 60-col 9, line 10) and specialized discounts based on the time between the when the reservation is made and when the reservation is made for (col 9, lines 14-26). Baker further discloses correlating time periods for reservations to discounts (col 9, lines 31-64). Baker further discloses that different time periods have different discounts and that the discount information for the different time periods is dynamic (col 10, line 59-col 11, line 7). Also, note that Baker discloses that the time between when the reservation is made and the time that the reservation is made for can be relevant to the discount amount (col 9, lines 14-26).

Note that Baker (col 9, lines 14-26) discloses 'rapidly changing conditions' and that a discount is offered several days before a certain date and that the discount is offered for that date based on the temporarily changing condition that the plane is half full. Therefore, both the time

Art Unit: 3622

period that the reservation is made in (several days before), the time period for the transaction or travel to be enacted (the date of the flight or the time period that the user will be away or travelling), and the temporarily changing condition (the plane is presently half full) of the reservation are relevant to the discount being offered.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Examiner notes that while specific references were made to the prior art, it is actually also the prior art in its entirety and the combination of the prior art in its entirety that is being referred to.

Please note in the citations for the rejections of the claims above which features of the different prior art were deemed relevant to the Applicant's claimed invention. For example, it is irrelevant whether or not Baker discloses discounts for members of organizations as that feature was not cited in Baker. That the discounts could apply to people who are not necessarily members of organizations is obvious when looking at the whole of Schiff, DeLorme, and Baker.

Baker's disclosing that discounts be offered based on the user being member's of organization does not preclude Baker from offering discounts for the other conditions that Baker discloses (time period, location, type of trip; col 9, line 60-col 10, line 7; col 10, line 59-col 11, line 7). The test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what

Art Unit: 3622

the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur Duran whose telephone number is (703)305-4687. The examiner can normally be reached on Mon- Fri, 7:30-4:00.

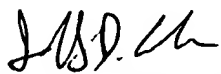
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (703)305-8469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3622

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



1/6/05


JEFFREY D. CARLSON
PRIMARY EXAMINER